

*Harmon*

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

26168

**FILE:** B-212328.2

**DATE:** September 6, 1983

**MATTER OF:** International Alliance of Theatrical Stage  
Employees and Moving Machine Operators of  
the U.S. and Canada--Reconsideration

**DIGEST:**

GAO will not consider a protest where the material issue presented is before a court of competent jurisdiction and the court has not indicated an interest in a GAO decision.

International Alliance of Theatrical Stage Employees and Moving Machine Operators of the U.S. and Canada (IATSE) requests reconsideration of our decision in B-212328, July 28, 1983, 83-2 CPD 140, where we dismissed as untimely IATSE's protest that the National Aeronautics and Space Administration (NASA) had failed to request from the Department of Labor a Service Contract Act wage rate determination for inclusion in solicitation No. 10-2-0049-3. We dismiss the reconsideration request.

The Department of Labor and NASA informally advise that IATSE has filed a complaint against these two agencies in the U.S. District Court for the Northern District of Illinois concerning the same issue as in the protest filed with our Office. It is the policy of this Office not to decide protests or complaints where the material issues are pending before a court of competent jurisdiction unless the court expresses an interest in our decision. Space Age Engineering, Inc., B-205594, January 18, 1982, 82-1 CPD 40. No such interest has been expressed in this case.

The request for reconsideration is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel

026581